

## **Public Notice**

Public Notice No.

04-22

Date:

April 1, 2004

Nashville District

Application No. 990019650

Please address all comments to: Nashville District Corps of Engineers, Regulatory Branch 3701 Bell Road, Nashville, TN 37214

## JOINT PUBLIC NOTICE US ARMY CORPS OF ENGINEERS TENNESSEE VALLEY AUTHORITY AND STATE OF TENNESSEE

SUBJECT: Proposed Stream Fill Associated With State Route 29 Improvements, Town Creek, Rhea County, Tennessee

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 404 of the Clean Water Act.** 

Before a permit can be issued, certification must be provided by the State of Tennessee, Division of Water Pollution Control, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

APPLICANT: Tennessee Department of Transportation (TDOT)

Suite 900, James K. Polk Building

505 Deaderick Street Nashville, TN 37243-0334

LOCATION: S.R. 29 From: Near State Route 68 East to Spring City North City Limits

Rhea County, Tennessee

Project Start - lat: 35-40-24 lon: 84-52-24 Project End – lat: 35-40-56 lon: 84-52-06

USGS – Pennine & Spring City, Tennessee Quadrangles

DESCRIPTION: TDOT proposes to construct 3.24 miles of additional lanes for State Route 29 along the current alignment from near SR 68 east to north of the Spring City limits. The new construction would consist of four (12') lanes, a 12' center turn lane, 2' curbs and gutters, 6' flat areas behind the curbs, and variable side slopes. The proposal involves the placement of fill in approximately 3813' of Town Creek. This activity is subject to DA authorization.

**Stream Impacts** - Approximately 3,813' of stream impacts consisting of box culverts, relocations, and bank stabilization would occur at the following locations:

Sta. 27+644 (Rt.) to Sta. 28+755.410 (Rt.):

Channel Relocation (Town Creek) Existing open stream = 1145 m (3757 ft) Existing structure = 8 m (26 ft) of 2 @ 4.6 m x 2.4 m (15 ft x 8 ft) box bridge (Sta. 1+015± Tallent Ln.) Existing structure = 9 m (30 ft) of 3 @ 4.6 m x 1.5 m (15 ft x 5 ft) box bridge (Sta. 1+025± Kemmer Rd.) **Total existing stream impact** = 1162 m (3813 ft) Proposed structure = 12 m (39 ft) of 2 @ 4.88 m x 2.14 m (16 ft x 7 ft) box bridge (Sta. 1+030.5 Tallent Ln.) Proposed rip-rap at outlet =  $5 \text{ m} \pm (16 \text{ ft})$ Proposed rip-rap at inlet =  $3 \text{ m} \pm (10 \text{ ft})$ Proposed structure = 17.5 m (57 ft) of 3 @ 4.88 m x 2.14 m (16 ft x 7 ft) box bridge (Sta. 1+026 Kemmer Rd.) Proposed rip-rap at outlet =  $5 \text{ m} \pm (16 \text{ ft})$ Proposed rip-rap at inlet =  $3 \text{ m} \pm (10 \text{ ft})$ Total proposed open stream = 1137 m (3730 ft) **Total proposed stream length = 1166.5 m (3826 ft)** 

**Proposed Stream Mitigation** – The applicant proposes 3,826' of in-kind replacement for stream impacts on-site in accordance with the Tennessee Department of Environment and Conservation Draft Stream Mitigation Guidelines for the State of Tennessee.

In addition to the work identified above, the applicant has requested that the Corps of Engineers verify additional project activities that meet the criteria for authorization under the Nationwide Permit Program [January 15, 2002, Federal Register (Vol. 67, No. 10, pg 2020)]. Activities would involve streambank stabilization and structural fill for bridge support pilings.

Representative plans of the proposal are attached to this notice. The complete set of engineered drawings for this project is available for viewing by contacting Carl R. Olsen at (615) 369-7513.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The U.S. Department of Transportation Federal Highway Administration (FHA) and the TDOT completed an environmental assessment for impacts associated with SR29 on April 12, 1996 and issued a Finding of No Significant Impact for this proposed segment on March 9, 1998. A supplementary Environmental Assessment will be prepared by this office to evaluate any impacts not addressed in the FHA environmental assessment prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer and the U.S. Department of the Interior, National Park Service, Interagency Archaeological Services - Atlanta.

Based on available information, the proposed work will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

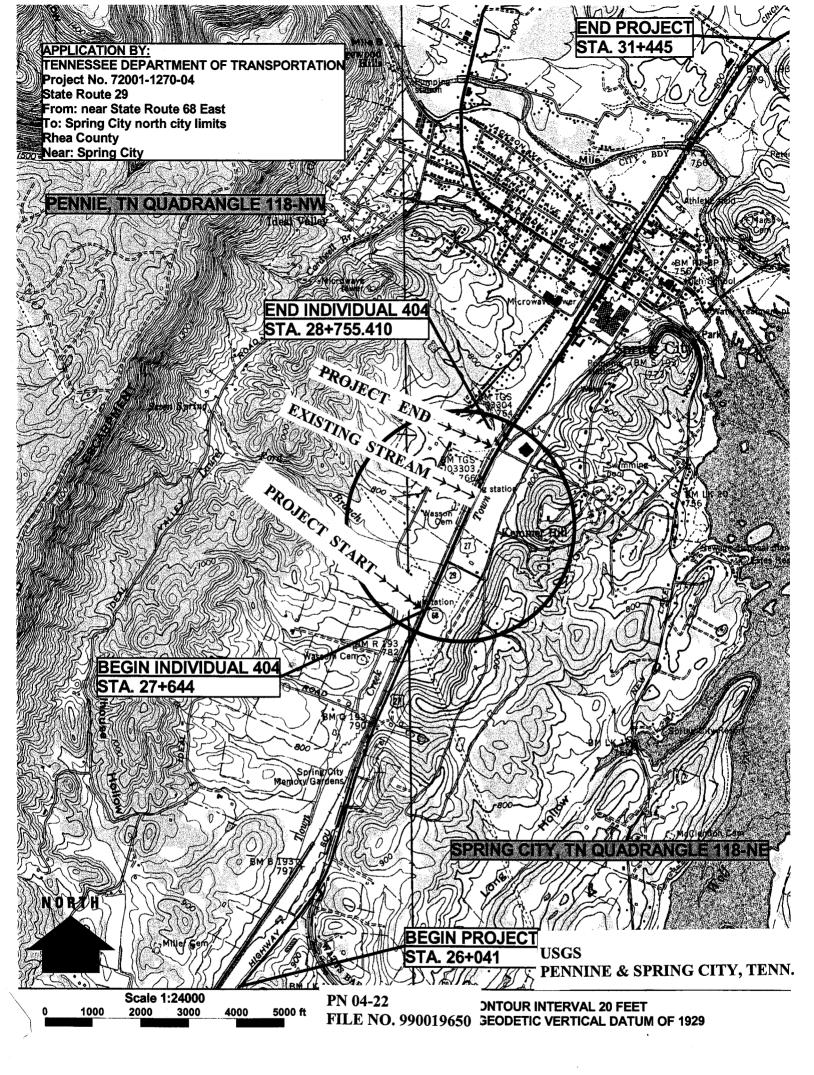
Other Federal, State, and/or local approvals required for the proposed work are as follows:

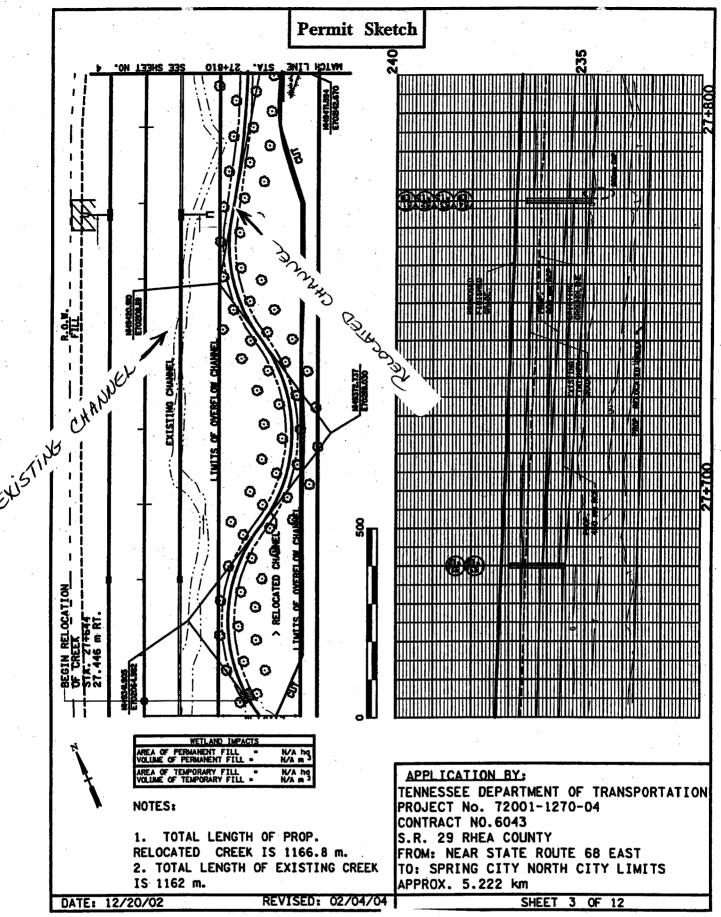
- a. Tennessee Valley Authority (TVA) approval under Section 26a of the TVA Act. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.
- b. Water quality certification from the State of Tennessee, in accordance with Section 401(a)(1) of the Clean Water Act.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

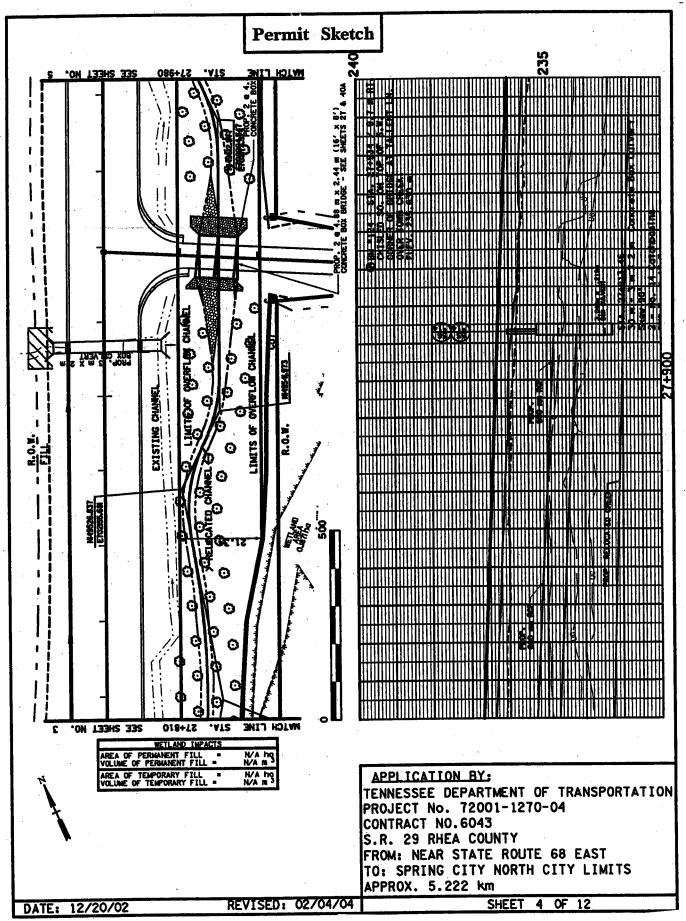
Written statements received in this office on or before May 1, 2004, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Carl R. Olsen, at the above address, telephone (615) 369-7513. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to:

Mr. Mark Degnan TVA Watts Bar/Melton Hill, Land Management Team 2009 Grub Road Lenoir City, TN 37771

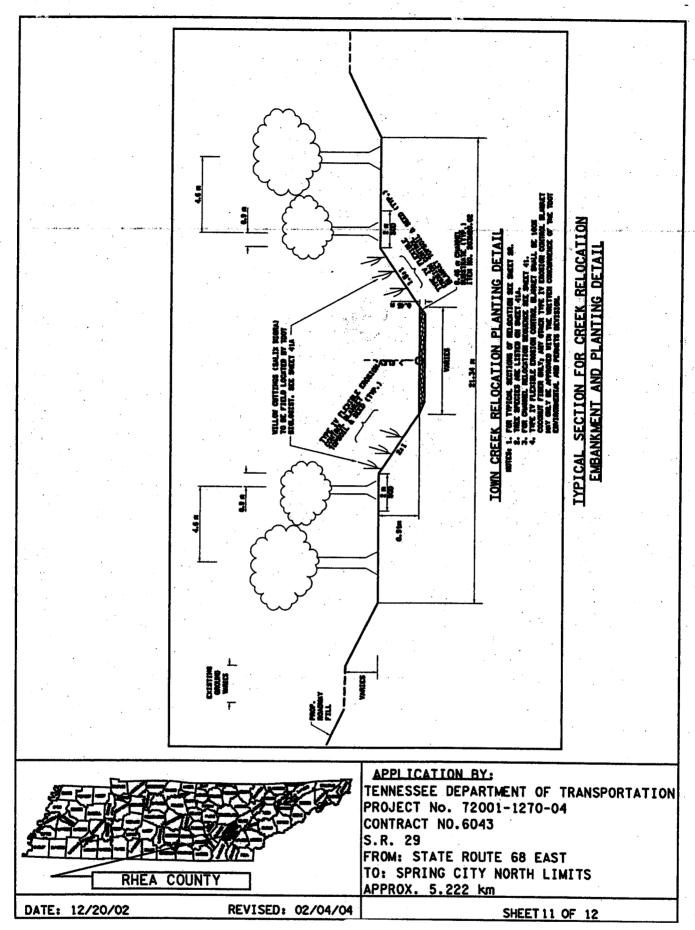




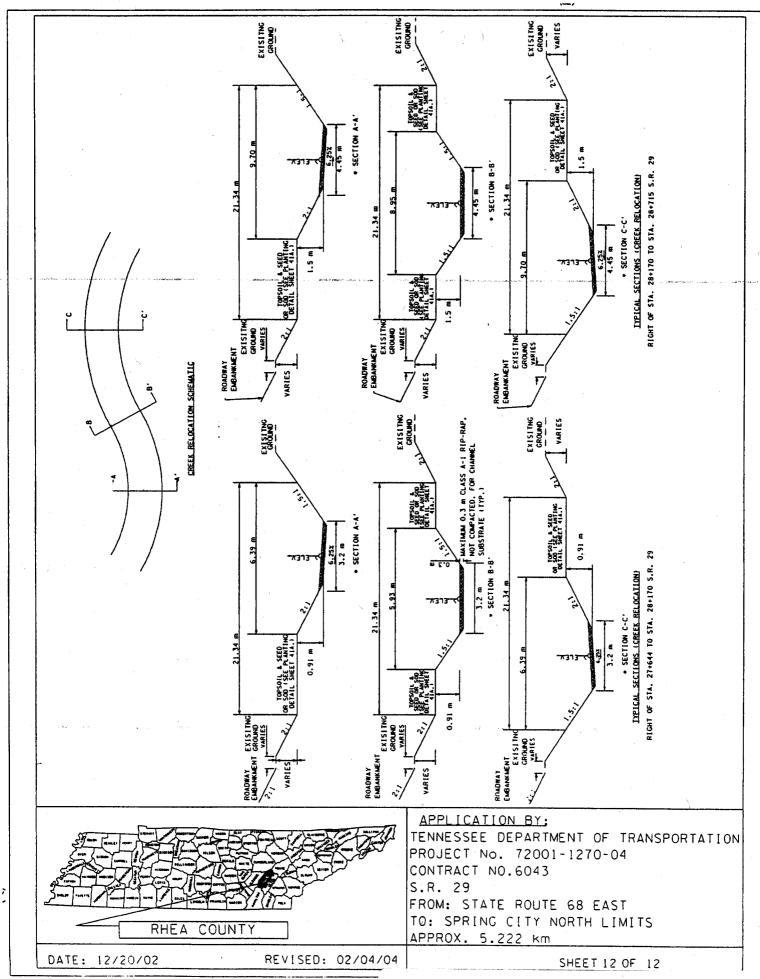
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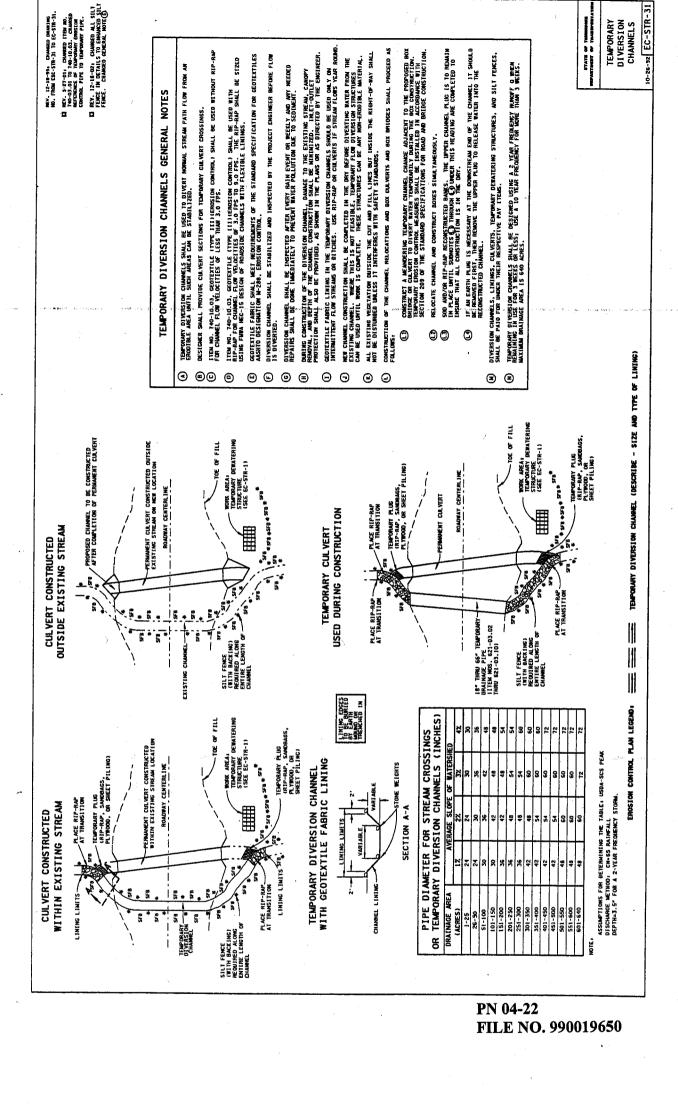
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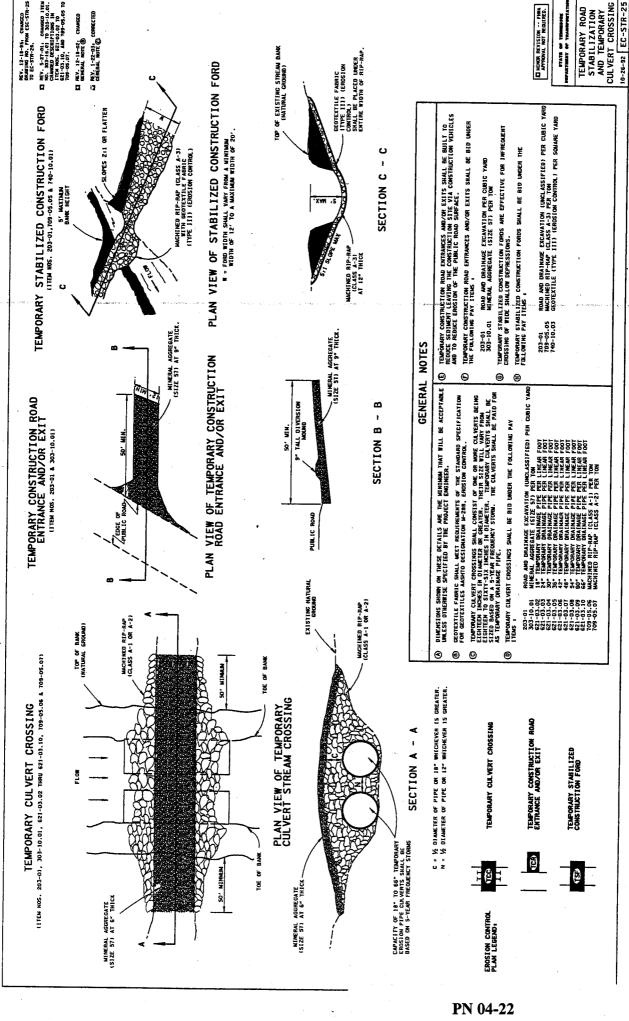


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